



# Public Board Minutes

**MEDCO BOARD MEETING  
TIME:**

**TUESDAY 10 MAY 2022  
10:00–13:00**

**MEETING PLACE:**

**Microsoft Teams**

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**DIRECTORS:**

Martin Heskins (MH) – Executive Chair  
Brian Simpson (BS) – Chartered Society of Physiotherapists  
David Bott (DB) – Association of Personal Injury Lawyers  
Ian Mackie (IM) N.E.D  
Jackie Proctor (JP) – Motor Insurers Bureau  
John Howells (JH) – N.E.D  
Kate Fox (KF) – The Law Society  
Nigel Teasdale (NT) – Forum of Insurance Lawyers  
Simon Margolis (SM) - AMRO  
Susan Brown (SB) – Motor Accident Solicitors Society

**OBSERVERS ATTENDING THE BOARD:**

Adam Ballard (AB) – ABI Representative  
Leigh Evans (LE) – Head of Operations MedCo  
Nadine Silverton (NS) – MedCo  
Rob Benson (RB) – Grant Thornton  
Rachel Powell (RP) – Ministry of Justice (10:15-11:00 only)

**SECRETARIAT:**

Jean Gillett – MedCo

**APOLOGIES:**

Scott Tubbritt (ST) – Ministry of Justice  
Surendra Kumar (SK) – British Medical Association  
Mark Waughman (MW) MedCo

## 1. WELCOME

MH welcomed everyone to the meeting

### 1.1 Announcements

DB SB and MH are speaking at the PI Futures Conference in Manchester on 25 May.

### 1.2 Board Minutes 05 April 2022

Approved

### 1.3 Public Board Minutes 05 April 2022

Approved

## 2. MOJ UPDATE

The focus of the MoJ now is the anniversary of OIC and this will be discussed at the ABI conference and PI futures conference. The MoJ have arranged a meeting with OIC to deep dive into the data and study the length of the claimant journey.

There is a statutory obligation to review the tariff, but the Lord Chief Justice has asked for a review already. The Government is open to an early review if there is sufficient evidence for it to be robust and draw meaningful conclusions, so officials will be reviewing the available data at the one-year point.

The MoJ stated that they would be happy to try and facilitate the agreement between FOIL and ACSO regarding the draft rehabilitation process, if helpful.

## 3. MANAGEMENT ACCOUNTS

The report was noted as read.

## 4. MONTHLY UPDATES

### 4.1. Audit

From 1st December 2021, the Motor Insurer's Bureau (MIB) ceased providing auditing services for MedCo. Grant Thornton was appointed from this date to undertake MedCo's User audits and members of the existing MIB/MedCo audit team transferred to Grant Thornton.

In view of current pandemic guidelines, audit site visits have been suspended. Remote on-line audits are continuing to take place. The Audit Committee continue to monitor use of the system, taking appropriate actions where misuse is identified.

## **4.2 Operations**

The Operations Committee meet regularly to address feedback, queries, and complaints from all users of MedCo. Each case is considered on its own merit, and the Committee agree the appropriate action to resolve each issue.

During this reporting period the committee have addressed several queries from litigants in person and have been looking at concerns in relation to causation.

MedCo continues to assist regulators and supports their investigations as required.

## **4.3 IT**

The Report was noted as read

## **4.4 Education and Training**

The Committee continue to meet on a regular basis to ensure the accreditation and CPD framework is maintained and to address any associated day to day issues.

Preparation is underway for the 2022/2023 CPD programme and monitoring continues on the progress of experts through the current CPD year.

## **4.5 Statistics**

The Report was noted as read.

## **4.6 EAPR**

EAPR continue to monitor experts and their data, including data for cases via Official Injury Claims, and apply sanctions where appropriate. The EAPR have produced a communication to all experts to remind them of the need to address causation when it comes to injuries diagnosed.

## 5. REMOTE EXAMINATIONS

At the Board meeting on 3rd March and 5th April 2022, a decision was made to lift the temporary suspension of the ban on the use of Remote Examinations. The Board decided that all examinations booked on or after 1 July 2022 should be face to face unless the claimant had a covid related vulnerability. The latest version of the Remote Examination Guidelines was published accompanied by a communication sent to all users on 6 April 2022.

The Board discussed the reason for the introduction of the lifting of the ban and the pre-covid position. It was discussed and agreed that a physical examination is still fundamental to a good quality medical report and that the policing and monitoring of exceptions to allow the use of remote examinations may be resource intensive and would need to be clearly defined and monitored. Whilst remote examinations may be happening in other environments such as the NHS, consultations for medical legal reports are not the same as consultations for the provision of health advice. As a result of the discussions, the Board did not consider it appropriate to change or allow any exceptions to the guidelines published on 6 April 2022.

The Board felt the future use of Remote Examinations would need collaboration with and direction from an MoJ policy perspective and as such did not consider a change to the guidelines published on 6 April 2022.

### **Decision**

Inform Medical Experts that the Board have decided that unless the claimant is vulnerable then examinations must be face to face.

**Meeting ended at 13:00**